

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
)	
Wireless Telecommunications Bureau Seeks)	WT Docket No. 12-332
Comment on Request for Waiver and Extension)	
of Time to Construct 700 MHz A and B Block)	
Licenses)	
)	

**REPLY COMMENTS OF CAVALIER
WIRELESS, LLC AND CONTINUUM 700 LLC**

Pursuant to the Commission’s public notice of November 13, 2012,¹ Cavalier Wireless, LLC (“Cavalier”)² and Continuum 700 LLC (“Continuum”)³ submit these Reply Comments to support a blanket extension of 700 MHz A and B Block initial construction deadlines.

Notably, there is unanimous support within the referenced docket for granting the requested extensions. Many of the parties highlighted the same concerns raised by Cavalier and Continuum (and many others) in their extension requests regarding interoperability within the 700 MHz band and potential interference issues. As such, the Commission should grant extensions of the interim construction benchmark deadlines as set forth in Cavalier and Continuum’s Extension Requests, and those of the other requesting parties.

¹ *Wireless Telecommunications Bureau Seeks Comment on Requests for Waiver and Extension of Time to Construct 700 MHz A and B Block Licenses*, DA 12-1827, rel. November 13, 2012 (the “Public Notice”).

² Cavalier is the holder of 22 A Block 700 MHz licenses, with interim construction benchmark deadlines of June 13, 2013. Cavalier has a pending request before the Commission, asking for extension of those benchmark deadlines. *Request for Extension of Initial Construction Benchmarks*, submitted by Cavalier on October 15, 2012 (“Cavalier Extension Request”).

³ Continuum is the holder of ten A Block 700 MHz licenses, with an interim construction benchmark deadline of November 16, 2013. Continuum has a pending request before the Commission, asking for extension of those benchmark deadlines. *Request for Extension of Initial Construction Benchmarks*, submitted by Continuum on October 15, 2012 (“Continuum Extension Request”).

I. LACK OF INTEROPERABILITY IN THE 700 MHZ BAND HAS PRESENTED UNFORSEEABLE CHALLENGES IN DEPLOYING A BLOCK LICENSES

The Commission should grant the requested extensions because of the unforeseen, and unforeseeable, issues created by the use of Band 17 equipment by the nation's largest carriers.⁴ Significantly, Band 17 was created after Auction No. 73, and broke with a decades-long industry practice of not having equipment-fragmented spectrum bands. Lack of interoperability within the 700 MHz Band has virtually stranded A Block licensees without the ability to provide nationwide service to customers through roaming, without access to devices that are in the highest demand, and without the ability to gain revenue from other licensees' roaming customers. These issues have handicapped smaller A Block licensees, including Cavalier and Continuum, and have deprived the public of the benefits of a competitive marketplace.

Without action from the Commission in WT Docket 12-69, A Block licensees will continue to face, among other issues, the equipment shortage that has been plaguing potential service providers within the band. King Street Wireless, L.P., noted that "lack of interoperability would have a dramatic negative impact on roaming; equipment offerings; equipment costs; and on competition in the Lower 700 MHz Band generally."⁵ Similarly, Century Link, Inc. argued that, "the continuing production and pervasiveness of devices that exclusively support Band 17 create substantial business challenges, in turn contributing to the delay in meeting the stringent interim construction benchmarks for A Block licensees."⁶

⁴ For a discussion of the band-fragmentation created by the nation's largest carriers, *See Petition for Rulemaking* filed by the 700 MHz Good Faith Purchasers Alliance, submitted on September 29, 2009, RM No 11592.

⁵ *Comments in Support of Petitions for Extensions of Time to Construct*, submitted by King Street Wireless, L.P. in WT Docket No. 12-332 (Dec. 13, 2012), at 2.

⁶ *Comments of CenturyLink, Inc.*, WT Docket No. 12-332 (Dec. 13, 2012), at 2. See also *Comments of Blooston Rural Carriers*, WT Docket No. 12-332 (Dec. 13, 2012), at 5 ("[T]he lack of interoperability and associated lack of robust ecosystem for Band 12 CPE and roaming have undermined the ability of small carriers and new market entrants to develop a reasonable business case for the provision of mobile 700 MHz band service");

Requiring strict adherence to the interim construction benchmarks without prior action on interoperability would adversely impact smaller carriers while benefiting the largest, forgoing all of the public benefits associated with a competitive marketplace.

II. UNFORESEEN INTERFERENCE ISSUES JUSTIFY GRANTING THE REQUESTED EXTENSIONS

In addition to the issues presented by lack of interoperability within the 700 MHz band, interference concerns present in the A Block also independently warrant a blanket extension of the interim construction deadlines. As Cavalier explained in its Extension Request, there has been a dramatic increase in the number of Channel 51 broadcasters with whom A Block licensees may not interfere and which likely must be relocated.⁷ In its Extension Request, Continuum noted that there had been 369 Channel 51 “actions” (applications granted or accepted for filing) made by the Commission since the close of Auction No. 73.⁸ McBride Spectrum Partners, LLC, speculated that it was the increasingly troublesome issues posed by Channel 51 that led Verizon to sell a significant portion of its A Block licenses.⁹ In any event, this increase, along with recent Commission actions that have provided television broadcaster disincentives to relocate, were unforeseeable during Auction 73 and as such support extension of the build-out requirements for A Block licenses.

This position was echoed by commenters in this proceeding. In its Comments, CenturyLink explained that “[w]hile it was known that the presence of Channel 51 television licensees in certain markets posed the possibility of interference at the time of auction, [it was] anticipated that that the scope of the issue would be narrower and more easily resolved,” and that

⁷ *Cavalier Extension Request* at 8.

⁸ *Continuum Extension Request* at 9.

⁹ *Comments of McBride Spectrum Partners, LLC*, WT Docket No. 12-332 (Dec. 13, 2012), at 19.

“[t]hese interference issues form an independent basis that justifies extension of the Interim Construction Benchmark for A Block licensees.”¹⁰

III. CONCLUSION

The Commission has before it an opportunity to support 700 MHz A Block licensees that have spent hundreds of millions of dollars for their authorizations and plan on spending millions more in deployment efforts. These licensees have made good faith efforts to meet their buildout deadlines, but unforeseeable issues relating to lack of interoperability and interference concerns have stymied those efforts. Furthermore, the Commission has before it the rare situation where all the commenting parties in a docket agree on the correct course of action: the Commission should grant the requested extensions, so that A & B Block licensees may ultimately provide service to consumers and add much needed competition to the marketplace.

For the foregoing reasons, Cavalier and Continuum urge the Commission to grant their requests for extension of the interim construction benchmark deadlines, as well as those of all A & B Block licensees.

Respectfully submitted,

/s/ Thomas Gutierrez

Thomas Gutierrez
Lukas, Nace, Gutierrez & Sachs, LLP
8300 Greensboro Drive, Suite 1200
McLean, VA 22102

*Counsel to Cavalier Wireless, LLC and
Continuum 700 LLC*

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¹⁰ *Comments of CenturyLink, Inc.* at 3-4.